IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,		
Plaintiff,		8:18-CR-104
vs.		ORDER
ROMAN GABRIEL HARLAN,		
Defendant.		

The Court has received a submission from the defendant that appears to be an incomplete motion to vacate or set aside the sentence pursuant to 28 U.S.C. § 2255(a). Filing 113. Specifically, the Court has received pages 8 to 13 of a Form AO 243, and it only describes one ground for relief—"Obstruction of Justice"—which is numbered as the fourth ground. *See* filing 113.

But federal law imposes substantial restrictions on the filing of "second or successive" § 2255 motions, so the defendant must include all his grounds for postconviction relief in a single motion, or risk forfeiting them. *See* § 2255(h). If the defendant has additional grounds he wants to assert, he must present them to the Court—the Court does not want the defendant to forfeit any grounds because of some missing pages.

The defendant may supplement his motion on or before September 7, 2021 with any grounds that were accidentally omitted from his initial motion. If the defendant fails to respond by that date, the Court will decide his motion, as submitted, pursuant to § 2255.
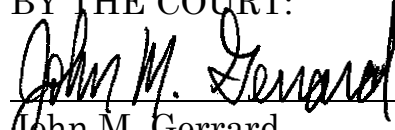
IT IS ORDERED:

1. On or before September 7, 2021, the defendant shall either

(a) submit a supplemental motion or (b) inform the Court that he wishes to proceed with his motion as submitted.

2.   If the defendant does not respond on or before <u>September 7, 2021</u>, he will be deemed as having consented to the Court disposing of his motion as submitted.

3.   The Clerk of the Court shall provide the defendant with a copy of this order and an additional copy of Form AO 243 (Motion to Vacate, Set Aside, or Correct a Sentence by a Person in Federal Custody).

4.   The Clerk of the Court shall set a case management deadline for September 7, 2021 with the following docket text: Check for supplement of § 2255 motion.

Dated this 2nd day of August, 2021.

BY THE COURT:

John M. Gerrard
United States District Judge